

REMARKS

Claims 81-82, 84-85 and 88-96 are pending in this application. All pending claims stand currently amended in this Reply. The claim amendments overcome claim rejections raised by the Examiner. No new matter has been added to the application by way of these claim amendments. Moreover, claims 83, and 86-87 have been cancelled in this Reply without prejudice.

The examiner's drawing, specification and claim objections and rejections are overcome or they are traversed as set forth below.

I. THE RESTRICTION REQUIREMENT

The applicants acknowledge the examiner's entry of a restriction requirement for this case. In response, the applicants have herein cancelled claims 97-99 from the application without prejudice to their ability to file a divisional application directed to the non-elected claims.

II. THE DRAWING OBJECTION

The examiner objected to Figures 13B and 13C because they do not show "holes" in the piston as the holes are disclosed at page 47 of the application. Moreover, the examiner is unclear about the feature associated with numerical designation 454.

The present application is directed to a number of dispenser embodiment including similar features. The presently claimed invention is directed to at least to a dispenser embodiment depicted in Figures 18A and 18B and described in the application at least at page 60, line 21 to page 61, line 13. The dispenser of Figures 18A and 18B includes a piston 454 including holes 450 and the side of piston 454. It is believed that the drawing objection raised by the Examiner is moot in light of Figures 18A-18B which at least sufficiently discloses the presently claimed invention.

III. THE SPECIFICATION OBJECTION

The examiner objected to the specification for not being written in such full, clear and concise manner to enable one of ordinary skill in the art to practice the invention in its best mode. Specifically, the examiner finds the description of holes 806 and piston 454 at page 47 of the specification to be unclear.

As discussed immediately above, it is believed that the claimed invention is adequately described in Figures 18A and 18B and at least at pages 60-61 of the specification. This portion of the specification refers and discusses the dispenser embodiment of Figures 18A-18B.

IV. CLAIM OBJECTIONS

The examiner objected to claims 86-87 and 95-96 under 37 CFR 1.75(c), as being in improper dependent form for failing to limit the subject matter of a previous claim because the claims are directed to the operation of the dispenser rather than its configuration.

This claim objection has been overcome by canceling claims 86-87 from the application and by amending claims 95-96 to refer to the structural features of the claimed invention that cause the dispenser to dispense fluids. Moreover, MPEP §2173.05(v) states that claim limitations such as those of claims 95-96 are not objectionable.

The examiner has also objected to claims 82-91 and 93-96 because they do not refer to the dispenser using the definite article “the”. This objection has been overcome by amending the preamble of claims 89-91 and 92-96 to refer to “The” reservoir instead of “A” reservoir.

IV. THE SECTION 112, 2nd PARAGRAPH REJECTION

A. The Rejection of Claims 81-96

The Examiner rejected claims 81-96 under 35 USC 112, 2nd paragraph for being indefinite. Specifically, the examiner takes the position that the specification does not disclose a piston having at least one hole in the side portion.

The applicants direct the examiner’s attention to page 60, line 21 to page 61, line 13 of the specification. This portion of the specification refers to Figures 18A-18B. Moreover, this portion of the specification discloses a piston 454 having a plurality of holes 450 on the side of piston 454. The Applicants believe that at least this portion of the specification adequately discloses a piston having at least one hole in the side portion.

B. The Rejection of Claims 83 and 92

The examiner rejected claims 83 and 92 under 35 USC 112, 2nd paragraph as being incomplete for omitting a central structural cooperative relationship such as the relationship between the seal and the piston. It is the examiner’s position that it is not clear from the claims

where the seal should be located to perform the function recited in the rejected claims.

This objection has been overcome by amending claims 81 and 92 to indicate that the seal is associated with the piston side portion. It is believed that this amendment overcomes the examiner's rejection of claims 83 and 92.

V. THE OBVIOUSNESS REJECTION

Claims 81-96 stand rejected under 35 USC 103(a) as being unpatentable over Hanna et al. (USP No. 4,964,544) in view of Bazilyanskij (SU 777440 B, Abstract). Claims 81-82, 84-85 and 88-96 remain pending in the application. It is the examiner's position that Hanna et al. discloses all of the features of the claimed dispenser except for a piston including a side hole. Further, it is the examiner's position that the Bazilyanskij reference discloses dispensers including this feature and it would have been obvious for one of ordinary skill in the art to modify Hanna's dispenser to include side holes and pistons for the reasons indicated in Bazilyanskij.

Pending application claims 81-82, 84-85 and 88-96 are not obvious over the prior art of record at least because the prior art does not disclose or suggest:

- a piston is moveable from a first position to a second position, and further comprising a seal associated with the at least one piston side portion, the seal abutting the at least one hole on the side portion in the first position as claimed in all pending claims.
- A piston including at least one hole and a hole seal wherein the hole seal is an O-ring seal (see claims 84) or where the seal is a quad seal (see claim 85).

As set forth above, the prior art does not disclose and/or suggest each and every feature of the claimed invention. For this reason, the examiner has not established a *prima facie* case of obviousness and this rejection must be withdrawn.

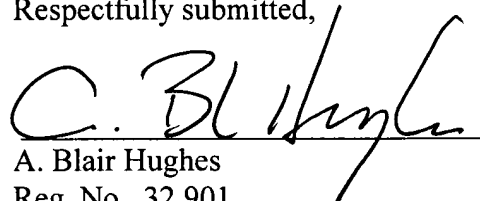
CONCLUSION

For the reasons indicated above, it is believed that each of the examiner's objections and rejections has been overcome or they are traversed in this Reply. Favorable consideration and allowance of all pending application claims 81-82, 84-85 and 88-96 is, therefore, courteously solicited.

Respectfully submitted,

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